

Rowland Geoffrey HUNT, *et al.*
Serial No. 10/588,726
June 5, 2009

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner's attention is drawn to the IDS filed June 1, 2009. Also, for the Examiner's convenience, it is noted that earlier prior art documents identified in the record with EP and/or WIPO numbers are now recognized to have U.S. equivalents:

EP 0425202 = US 5,067,074
WO 1998/43451 = US 6,259,776
WO 1997/33440 = US 5,825,861

The above amendment cancels the remaining original claims 1, 2, 4-19 and 21-34. In their place are new claims 39-69. It will be noted that new method claim 39 corresponds to original apparatus claim 1 – which also appears in modified format as new claim 67. A new independent method claim 57 is also presented.

The independent claims 39, 57 and 67 now require applying the local initial gap interval prior to any call being received by a network access point/media gateway. This feature is not described in any of the cited prior art documents.

The objective problem which the invention addresses is completely different to the reactive approach to overload control described in the prior art. The inventors have recognized that in large scale systems, the number of network access points which might generate calls to a network access controller in certain conditions means that even a small proportion of the network access points can trigger an overload state at

the network controller. If the remaining network access points continue to receive calls and only afterwards apply a call gap interval, the “single call” that they will attempt to process will simply perpetuate the overload condition at the network controller.

Accordingly, the inventors determined that it is advantageous in such circumstances for an initial call gap interval to be applied at the onset whenever the network controller first recognizes there is an overload condition, without waiting for a call to be received at the respective network access point.

This recognition that in large-scale systems the problems of call overload can be mitigated in a more responsive and efficient manner by applying an initial “random” call-gap (i.e., by blocking call processing for an initial random period of time up to the local call gap interval) is not taught nor suggested in any of the cited prior art documents. Nor would it be apparent *a priori* to one of ordinary skill in the art that network overload conditions can be dealt with more rapidly by reading any combination of the prior art documents together with their common general knowledge by randomizing the initial call processing bar up to the duration of the local call gap interval.

Claims 39 and 69 make it clear that the network access points not only receive a global constraint and use this to generate a local gap interval, but that they further impose an initial local gap interval to ensure that the local gap interval is off-set by a varying amount. This additional initial gap interval is imposed so that collectively all of the gapping imposed by all of the network access points in the communications system

which the network access controller controls are spread across their potential local ranges (from 0 to the local gap interval). In this way, the first call-barring block imposed by each network access point will vary for each network access point as not only is Δt locally determined, but also Δt_0 will vary. As Δt_0 and Δt are likely to differ for each network access point, there is a very low probability that the network access points, when seeking to readmit calls after expiry of the first Δt_0 interval of time, will reintroduce an overload condition at the network access point controller.

The rejection of claims 1, 2, 4-10, 13-18, 21-22 and 32-34 under 35 U.S.C. §102 as allegedly anticipated by Smith '224 is respectfully traversed.

Smith (13:5-9) merely describes the use of automatic code gapping in which the gap intervals are adaptively recalculated based on the admission factor at the source. However, claim 39 describes, in addition to the network controller generating an adaptive gap constraint which is communicated to the network access points, the network access points imposing an additional initial gap Δt_0 which is determined to vary within a time ranging from 0 to the local gap interval Δt to delay the onset of the first of the local gap intervals (Δt). This initial gap interval removes the need for the network access point to wait for traffic to be received to start the gapping interval Δt during which time calls are blocked. Smith at 7:55 - 8:1-3 simply describes the random fluctuation of messages arriving at the server, which in no way teaches the source of the messages

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modifying the local gap interval it determines from the server imposed constraint conditions by an additional initial amount.

By preventing the network access controller from being overloaded by the recommencement of calls, the network access controller does not need to resend out another global constraint – which as this would involve a broadcast type of communication to all network access points, results in considerably less messaging overhead occurring between the network access controller and the network access points.

Given such fundamental deficiencies of Smith as already discussed with respect to certain aspects of the independent claims, it is not necessary at this time to discuss further deficiencies of Smith with respect to other aspects of the rejected or new claims. Suffice it to note that, as matter of law, it is impossible for any reference to anticipate a claim unless it teaches each and every feature of that claim.

The rejection of claims 11-12, 19 and 23-32 under 35 U.S.C. §103 as allegedly being made “obvious” based on Smith in view of Hari ‘397 is also respectfully traversed.

The above-noted deficiencies of Smith with respect to a parent claim are in no way suggested by either Smith or Hari – and, accordingly, the still further recitations of these rejected claims are yet further patentably distinguished from any possible teaching or suggestion of these cited references.

Furthermore, it is noted that Hari is not “prior art” with respect to the present application. In particular, Hari was not filed until August 18, 2004 – whereas applicants

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have claimed and are believed entitled to the benefit of UK priority documents dated February 25, 2004, and March 23, 2004.

Accordingly, this entire application is now believed to be in allowable condition, and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

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